



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
WET 06-070**

July 12, 2006

David P Maynard
328 S Main St
Concord, NH 03301

RE: DES Wetlands File #2004-02157 Dustin Drive, Barnstead

Dear Mr. Maynard:

On June 21, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Barnstead Tax Map 35 as Lot 7A (the "Property"). The purpose of the inspection was to determine compliance with the Comprehensive Shoreland Protection Act ("CSPA"), RSA 483-B and NH Code of Admin. Rules Env-Ws 1400-1411.

During the inspection the following deficiencies were documented:

1. An octagonal dock measuring approximately 12 feet across with sides approximately 5 feet long was in place on Locke Lake accessed by a rectangular section of dock measuring approximately 5 feet by 10 feet, 4 inches. The docking structure exceeds the permitted dimensions as approved in Wetlands Bureau permit #2004-2157, issued on October 17, 2005.
2. A sloped beach contiguous with the shoreline extended from the water approximately 17 feet and measured approximately 21 feet across, ending at the edge of the dock. The beach was not constructed in accordance with the approved Wetlands Bureau permit #2004-2157, issued on October 17, 2005.
3. A shed measuring approximately 12 feet by 16 feet, 3 inches, or approximately 195 square feet, was located on the northern side of the property situated between the primary building line setback and the 20 foot setback to the reference line. This structure is in violation of the Comprehensive Shoreland Protection Act for the size and placement of an accessory structure.

In response, you are requested to take the following actions:

1. Upon receipt of this Letter of Deficiency, install silt fence across the water frontage in the beach area to prevent sand from entering Locke Lake. Within 10 days of completing

the installation of silt fence submit photos to the Wetlands Bureau documenting the installation of silt fence.

2. Within 20 days of receipt of this Letter of Deficiency, completely remove the entire seasonal docking facility from the lake and shoreline. Immediately submit photos to the Wetlands Bureau documenting that you have brought the docking structure into compliance.
3. Install and maintain the 4 foot by 24 foot dock as approved on Wetlands Bureau permit #2004-2157.
4. Within 30 days provide a plan to DES for review, to permanently isolate the beach area from the lake and shoreline. The plan should include a revised cross section showing the installation of a retaining wall or other type of structure to contain the beach sand and isolate the beach from the lake and shoreline.
5. Within 30 days of receipt of this Letter of Deficiency, relocate the shed so that no more than 150 square feet of the structure is located between the primary building line and the 20 foot setback for the reference line. Submit photos to DES within 10 days of completing the work documenting the shed has been brought into compliance.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1411 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 483-B and RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey D. Blecharczyk, Shoreland Compliance Coordinator
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Jeffrey D. Blecharczyk at (603) 271-6876.

Sincerely,

A handwritten signature in black ink, appearing to read "Collis G. Adams", is written over a large, stylized "COPY" stamp.

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0688 8043

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Barnstead Conservation Commission
Barnstead Board of Selectmen
USACOE